



**JASPER COUNTY COUNCIL
COUNCIL CHAMBERS**

October 1, 2018

AGENDA

4:30 P.M.

I. Call to Order

II. Executive Session

SECTION 30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(2) Discussion of negotiations incident to proposed contract arrangements and proposed purchase or sale of property, the receipt of legal advice where the legal advice related to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim – Section 30-4-70(a)(2) – [Fire Services, Fire Apparatus Lease Agreement, Solicitor's Office, Jasper Ocean Terminal \(JOT\), Stiney Road Project](#)

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by a public body -- Section 30-4-70(a)(5) – [Economic Development Policy, Project Peach](#)

ANY EXECUTIVE SESSION MATTER ON WHICH DISCUSSION HAS NOT BEEN COMPLETED MAY HAVE DISCUSSION SUSPENDED FOR PURPOSES OF BEGINNING THE OPEN SESSION AT ITS SCHEDULED TIME, AND COUNCIL MAY RETURN TO EXECUTIVE SESSION DISCUSSION AFTER THE CONCLUSION OF THE OPEN SESSION AGENDA ITEMS

6:30 P.M.

III. Return to Open Session

IV. Pledge of Allegiance

V. Invocation

VI. Approval of Agenda

VII. Approval of the Minutes – July 2, 2018 and July 30, 2018

VIII. Presentations and Proclamations - None

IX. Open Floor to the Public per Ordinance 08-17 any citizen of the County may sign to speak before the Council on matters pertaining to County Services and Operations. Presentations will be limited to three (3) minutes and total public input will be limited to 30 minutes.

X. Resolutions

- A. Frank Edwards – [Resolution](#) of Support for Marsh Cove Fire Station and Authorization to Submit Community Development Block Grant (CDBG) Application and Commit Funds**
- B. David Tedder – Public Hearing and Consideration of a [Resolution](#) of Support for Relating To The Issuance By The South Carolina Jobs-Economic Development Authority of Its Solid Waste Disposal Revenue Bonds (Jasper Pellets, LLC Project, In One Or More Series, Taxable Or Tax-Exempt, In The Principal Amount Of Not Exceeding \$12,500,000.**

XI. Ordinances

- A. Lisa Wagner - 2nd Reading of an Ordinance to adopt *Jasper's Journey, a Comprehensive Master Plan for Jasper County*, dated 2018, along with the Future Land Use Map and all Appendices, as the required ten year update of the County's Comprehensive Plan, consistent with requirements of South Carolina Local Government Comprehensive Planning Enabling Act of 1994.**
- B. David Tedder – Public Hearing and 3rd Reading of MCIP [Ordinance](#) – Project Peach - an Ordinance acknowledging the termination of an existing Multi-County Industrial/Business Park (RiverPort) pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended; and authorizing and approving (1) development of a new Joint County Industrial and Business Park pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, in conjunction with Beaufort County (the "Park"), such Park to be geographically located in Jasper County; (2) the execution and delivery of a written Park Agreement with Beaufort County as to the requirement of payments of fee in lieu of ad valorem taxes with respect to park property and the sharing of the revenues and expenses of the park; (3) the distribution of revenues from the Park within Jasper County; and (4) other matters related thereto**

XII. New Business

- A. Kendall Malphrus – Jasper County Chamber Request to Transfer Funds**

- B. Frank Edwards – Presentation of Apparatus Lease Agreement
- C. Consideration of an [Amendment](#) to the Professional Services Contract with Grady L. Woods – Marsh Cove

XIII. Old Business - None

XIV. Council Members Comments

XV. Administrator's Report

XVI. Possible Return to Executive Session to Continue Discussion on Matters Regarding Agenda Item II.

XVII. Possible Return to Open Session

XVIII. Adjourn

*Council may take action on any item appearing on the agenda including items discussed in executive session.

Special Accommodations Available Upon Request to Individuals with Disabilities

**RESOLUTION OF JASPER COUNTY COUNCIL
2018 / 13**

**RESOLUTION OF SUPPORT FOR MARSH COVE FIRE STATION
AND
AUTHORIZATION TO SUBMIT APPLICATION AND COMMIT FUNDS**

WHEREAS, the need to address quality of life issues for Jasper County citizens and the concerns and issues of Low to Moderate Income (LMI) residents is a priority for Jasper County, and Public Safety has been identified as a priority community need for the County; and

WHEREAS, Jasper County wishes to address this need by making application to the South Carolina Department of Commerce, Division of Grant Administration for Community Enrichment Funds for the purpose of constructing a new fire station in an area that would benefit Jasper county, and the LMI citizens of the area the station would serve; and

WHEREAS, the completion of this project would directly benefit residents within Jasper County, of which at least 51% qualify as having low-to-moderate incomes;

NOW THEREFORE BE IT RESOLVED by Jasper County, South Carolina, that

1. County Council hereby endorses the Marsh Cove Fire Station Project which will greatly improve the safety and quality of life for the residents of Jasper County.
2. The County Administrator shall be and is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the Marsh Cove Fire Station Project, and Jasper County agrees to commit funds in the amount of \$573,472 to meet the matching commitment of the Community Development Block Grant Program.

ADOPTED THIS ____ DAY OF _____, 2018.

REQUESTED:

APPROVED:

**Andrew P. Fulghum, County
for Jasper County**

**D. Thomas Johnson, Jr., County Administrator
Council Chairman for Jasper County**

ATTEST:

Bonnie Lawson, Acting Clerk to Council

ORDINANCE NO. _____

AN ORDINANCE ACKNOWLEDGING THE TERMINATION OF AN EXISTING MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (RIVERPORT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND AUTHORIZING AND APPROVING (1) DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH BEAUFORT COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN JASPER COUNTY; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH BEAUFORT COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN JASPER COUNTY; AND (4) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Multi-County Park Act"), Jasper County, South Carolina ("Jasper County") and Beaufort County, South Carolina ("Beaufort County"), effective as of August 5, 2011, entered into that certain Agreement for the Establishment of Multi-County Industrial/Business Park (RiverPort) (the "RiverPort Multi-County Park Agreement"), which included certain property in Jasper County in the RiverPort Park (the "RiverPort Multi-County Park Property"); and

WHEREAS, in conjunction with entering into the RiverPort Multi-County Park Agreement, Jasper County entered into that certain Fee-in-Lieu of Tax and Incentive Agreement, dated as of December 6, 2010, with the City of Hardeeville (the "City") and SLF III-Hardeeville, LLC ("SLF III-Hardeeville"), which was subsequently amended and restated by that certain Amended and Restated Fee-in-Lieu of Tax and Incentive Agreement, dated as of October 20, 2014 (the "2014 FILOT Agreement"), among Jasper County, the City, and SLF III-Hardeeville, which 2014 FILOT Agreement constitutes a "fee agreement" within the meaning of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"); and

WHEREAS, Section 12-44-30(2) of the FILOT Act and Section 4.01(a) of the 2014 FILOT Agreement provide that at least a portion of the "economic development property" (as defined in the FILOT Act and the 2014 FILOT Agreement) be placed in service no later than December 31, 2017 (the "Commencement Date"); and

WHEREAS, Section 12-44-140(B) of the FILOT Act provides that a fee agreement is automatically terminated if the sponsor fails to satisfy the "minimum investment level" within the "investment period" (all within the meaning of the FILOT Act and the 2014

FILOT Agreement), which investment period must begin no later than the Commencement Date in accordance with Section 12-44-30(13) of the FILOT Act; and

WHEREAS, Section 3.02 of the 2014 FILOT Agreement provides for certain “special source credits” (as defined in the 2014 FILOT Agreement) for SLF III-Hardeeville during the term of the 2014 FILOT Agreement; and

WHEREAS, Section 15 of the RiverPort Multi-County Park Agreement provides that the RiverPort Multi-County Park Agreement shall automatically terminate on the 30th day after termination of all special source credits under the 2014 FILOT Agreement; and

WHEREAS, no economic development property was placed in service by December 31, 2017, thereby resulting in the automatic termination of the 2014 FILOT Agreement on such date; and

WHEREAS, all special source credits terminated as of December 31, 2017, as the result of the termination of the 2014 FILOT Agreement on that date; and

WHEREAS, Jasper County herein acknowledges the termination of the RiverPort Multi-County Park Agreement, effective as of March 2, 2018, as the result of the termination of the 2014 FILOT Agreement and the special source credits thereunder; and

WHEREAS, in order to promote economic development and thus encourage investment and provide additional employment opportunities, Jasper County and Beaufort County, as authorized under the Multi-County Park Act, now propose to establish jointly a multi-county industrial/business park within which such removed property, which is more particularly described in Exhibit A hereto (the “NSC Real Estate LLC Property”), shall be included, and which property will be owned and/or hereafter operated by NSC Real Estate LLC, one or more affiliates and/or other project sponsors (the “RiverPort II Multi-County Park”); and

WHEREAS, Jasper County and Beaufort County have agreed to the specific terms and conditions of such arrangement as set forth in that certain Agreement for the Establishment of a Multi-County Industrial/ Business Park (RiverPort II) proposed to be entered into by and between Jasper County and Beaufort County as of such date as may be agreed to by Jasper County and Beaufort County (the “RiverPort II Multi-County Park Agreement”), a form of which RiverPort II Multi-County Park Agreement has been presented to this meeting; and

WHEREAS, it appears that the RiverPort II Multi-County Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Jasper County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED BY THE JASPER COUNTY COUNCIL AS FOLLOWS:

Section 1. Acknowledgment of Termination of RiverPort Multi-County Park.

In accordance with the Section 15 of the RiverPort Multi-County Park Agreement, Jasper County hereby acknowledges termination of the RiverPort Multi-County Park.

Section 2. Establishment of RiverPort II Multi-County Park; Approval of the RiverPort II Multi-County Park Agreement.

There is hereby authorized to be established, in conjunction with Beaufort County, a multi-county industrial/business park to be known as the RiverPort II Multi-County Park and to include therein the NSC Real Estate LLC Property. The form, provisions, terms, and conditions of the RiverPort II Multi-County Park Agreement before the meeting at which this Ordinance received third reading and filed with the Clerk to Jasper County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the RiverPort II Multi-County Park Agreement were set out in this Ordinance in its entirety. The Chairman of Jasper County Council is hereby authorized, directed, and empowered to execute the RiverPort II Multi-County Park Agreement in the name and on behalf of Jasper County; the Clerk to Jasper County Council is hereby authorized, directed, and empowered to attest the same; and the Chairman of Jasper County Council is further authorized, directed, and empowered to deliver the RiverPort II Multi-County Park Agreement to Beaufort County.

The RiverPort II Multi-County Park Agreement is to be in substantially the form before the meeting at which this Ordinance received third reading and is hereby approved, or with such changes therein as shall not materially adversely affect the rights of Jasper County thereunder and as shall be approved by the officials of Jasper County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the RiverPort II Multi-County Park Agreement now before this meeting.

The Chairman of Jasper County Council, the County Administrator of Jasper County, and the Clerk to the Jasper County Council, for and on behalf of Jasper County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the RiverPort II Multi-County Park and the performance of all obligations of Jasper County under and pursuant to the RiverPort II Multi-County Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 3. Payment of Fee in Lieu of Tax.

The businesses and industries located in the RiverPort II Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the RiverPort II Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Jasper County. That portion of the fee allocated pursuant to the RiverPort II Multi-County Park Agreement to Beaufort County shall, upon receipt by the Treasurer of Jasper County, be paid to the Treasurer of Beaufort County in accordance with the terms of the RiverPort II Multi-County Park Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. Jasper County and Beaufort County, acting by

and through the Treasurer of Jasper County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Jasper County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision in South Carolina law.

The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 4. Sharing of Expenses and Revenues.

Sharing of expenses and revenues of the RiverPort II Multi-County Park by Jasper County and Beaufort County shall be as set forth in the RiverPort II Multi-County Park Agreement.

Section 5. Distribution of Revenues within Jasper County.

Revenues generated from industries and other businesses located in the RiverPort II Multi-County Park (the “Park Revenues”) received and to be retained by Jasper County after distribution to Beaufort County of Park Revenues due to Beaufort County under the RiverPort II Multi-County Park Agreement shall be distributed by Jasper County as follows:

(a) To Jasper County, for providing any special source revenue or infrastructure credits to any owners of property located within the RiverPort II Multi-County Park (the “RiverPort II Special Source Revenue Credits”), an amount equal to the annual RiverPort II Special Source Revenue Credits; and

(b) After making the allocations under paragraph (a) of this Section, all remaining Park Revenues allocable to Jasper County as the “Host County” under the MCIP Agreement shall be distributed as follows: to Jasper County, the City, and the Jasper County School District (the “School District”) in the same relative percentages as the relative millage rates (for both operating and debt service millage) imposed by Jasper County, the City, and the School District for tax year 201_ (which is Jasper County operating millage [142.0 mils or 30.54% %], Jasper County debt service millage [12.0 mils or 2.58%]), the School District operating millage [166.0 mils or 35.70%], the School District debt service millage [25.0 mils or 5.38%]), and the City millage 120.0 or 25.81%); provided, that the allocation of Park Revenues under this paragraph (b) may not, without the consent of the City, which consent may be provided by resolution of the City Council of the City, be amended or modified the effect of which would be to (i) decrease the percentage of Park Revenues to be received by the City or (ii) delete this proviso.

(c) All Park Revenues distributable pursuant to paragraph (b) of this Section 5 (i) to the City, (ii) to Jasper County for debt service millage, and (iii) to the School District

for debt service millage, shall be distributed (after making the allocations under paragraph (a) of this Section) to the City, Jasper County, and the School District, respectively, without further reduction.

(d) Prior to distributing Park Revenues distributable pursuant to paragraph (b) of this Section 5 (i) to Jasper County for operating millage and (ii) to the School District for operating millage, ten percent (10%) of such Park Revenues shall be appropriated to the Jasper County Economic Development Fund for such uses as provided in the County's annual budget for such fiscal years. After such appropriation, the remaining Park Revenues shall be distributed to Jasper County and the School District, respectively, without further reduction.

(e) It is further provided by Jasper County that the annual cumulative amount of any RiverPort II Special Source Credits shall not exceed an amount in excess of 55% of the fee in lieu of *ad valorem* taxes payable with respect to any property within the RiverPort II Multi-County Park without the consent of the City, which consent may be provided by resolution of the City Council of the City.

Section 6. Governing Laws and Regulations.

The ordinances of the City and Jasper County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire RiverPort II Multi-County Park. Henceforth, in order to avoid any conflicts of law or ordinances, the City Code of Ordinances and the Jasper County Code of Ordinances, as applicable, will be the reference for regulation or laws in connection with the RiverPort II Multi-County Park. The Beaufort County Code of Ordinances shall in no way apply to the RiverPort II Multi-County Park.

Section 7. Applicable Ordinances and Regulations.

Any applicable ordinances and regulations of Jasper County including those concerning zoning, health and safety, and building code requirements shall apply to the RiverPort II Multi-County Park properties located in Jasper County unless the properties are within the boundaries of a municipality in which case, the municipality's applicable ordinances and regulations shall apply.

Section 8. Law Enforcement Jurisdiction.

Jurisdiction to make arrests and exercise all authority and power within the boundaries of the RiverPort II Multi-County Park properties is vested with the Sheriff's Department of Jasper County. If any of the RiverPort II Multi-County Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 9. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Jasper County Code or other Jasper County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 10. Severability.

If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 11. Effectiveness.

This Ordinance shall be effective upon approval following third reading.
Enacted and approved, in meeting duly assembled, this ____ day of _____, 2018.

JASPER COUNTY, SOUTH CAROLINA

By:

D.T. Johnson, Jr., Chairman, County Council
Jasper County, South Carolina

[SEAL]

Attest:

By: _____

Judy Frank, County Council Clerk
Jasper County, South Carolina

First Reading: _____, 2018
Second Reading: _____, 2018
Public Hearing: _____, 2018
Third Reading: _____, 2018

Exhibit A

PARK PROPERTY

Approximately 400.7 upland acres lying and being situated in the City of Hardeeville, in Jasper County, South Carolina, being all of Jasper County Tax Map Parcel 031-00-00-019 and being portions of Jasper County Tax Map Parcels 031-00-00-015 and 031-00-00-016, within the planned development commonly known as RiverPort Business Park, and generally shown as "Phase 1" and "Phase 2" on the rendering attached hereto.

Jasper County Tax Map Parcel _____.

RESOLUTION OF JASPER COUNTY COUNCIL
2018 / ____

**RESOLUTION AUTHORIZING THE LEASE PURCHASE FINANCING OF CERTAIN
FIRE APPARATUS WITH PNC EQUIPMENT FINANC, LLC**

County/Lessee: Jasper County, South Carolina

Principal Amount Expected To Be Financed: \$998,118.00

WHEREAS, Jasper County ("County") is a political subdivision of the State of South Carolina (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, Jasper County Council, the governing body of the County ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the County.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the County.

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Resolved by the Jasper County Council, the Governing Body of the County:

Section 1. Either one of the County Council Chairman OR the Jasper County Administrator (each an "Authorized Representative") acting on behalf of the County, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body (attached hereto), which document is available for public inspection at the office of the County. The Authorized Representative acting on behalf of the County is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts, agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of

the County to execute and deliver agreements and documents relating to the Leases on behalf of the County.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the County as set forth therein.

Section 4. The County's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the County's obligations under the Leases shall not constitute general obligations of the County or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the County reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

SO RESOLVED by County Council duly assembled on this _____ day of October, 2018.

D. Thomas Johnson, Jr., County Council
Chairman for Jasper County, Lessee

ATTEST:

The undersigned Acting Clerk to Council of the above-named County hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the County, that the foregoing resolutions were duly adopted by said Governing Body of the County at a meeting of said Governing Body, and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

Bonnie Lawson, Acting Clerk to Council

Date: _____

[SEAL]



JASPER COUNTY EMERGENCY SERVICES

1509 GRAYS HWY (P.O. Box 1509)

RIDGELAND, SC 29936

OFFICE: 843-726-7607 FAX: 843-726-7966

DIRECTOR FRANK EDWARDS
WELLS

DEP. DIRECTOR RUSSELL W.



MEMORANDUM

To: Jasper County Council

From: Frank Edwards
Director, Emergency Services

Date: September 26, 2018

Re: Addendum to Architectural Services with Mr. Grady Woods

Council Members,

Due to the changes in the size of the design of the Marsh Cove Fire Rescue Station, additional architectural design fees are necessary with the firm of Grady Woods Architects in the amount of \$5,900. Please see the included fee adjustments from his email below. Mr. Woods did graciously reduce his fees at my request. Thank you.

"The additional fees noted below are required to update the construction documents per the latest design. Please let me know if they are acceptable and if so we will instruct our team to complete asap."

Structural	\$1,750.
MEP	\$1,200.
Architectural	\$3,750. \$2,950
Total	\$5,900

cc: Mr. Andrew Fulghum
County Administrator

A RESOLUTION

RELATING TO THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS SOLID WASTE DISPOSAL REVENUE BONDS (JASPER PELLETS, LLC PROJECT), IN ONE OR MORE SERIES, TAXABLE OR TAX-EXEMPT, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$12,500,000

WHEREAS, the South Carolina Jobs-Economic Development Authority ("*Authority*"), acting by and through its Board of Directors, is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43 of the Code of Laws of South Carolina 1976, as amended ("*Act*"), to (i) utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to qualified business enterprises in order to promote and develop the economic welfare of the State of South Carolina ("*State*") and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and (ii) act in conjunction with other persons and organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State;

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds, as defined in the Act, payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any program authorized by the Act; Section 41-43-110 of the Act further provides that the bonds issued by the Authority are limited obligations of the Authority payable solely from a revenue producing source or from a special source which does not include revenues from any tax or license and that such bonds do not constitute an indebtedness of the State or the Authority within the meaning of any State constitutional provision or statutory limitation;

WHEREAS, Jasper Pellets, LLC, a South Carolina limited liability company ("*Borrower*"), has applied to the Authority to issue not to exceed \$12,500,000 of the Authority's economic development revenue bonds ("*Bonds*") in one or more series, taxable or tax-exempt, for the purposes hereinafter described;

WHEREAS, the proceeds from the sale of the Bonds will be loaned by the Authority to the Borrower (i) to finance all or a portion the cost of the acquisition, renovation, construction, expansion, equipping and installation of a biomass recycling facility using green and dried wood residue as a source of feedstock for the manufacturing of wood pellets and related facilities (collectively, the "*Facility*") in the Town of Ridgeland, South Carolina ("*Town*"), which is situate within the geographical boundaries of Jasper County, South Carolina (the "*County*"), (ii) to fund interest on all or a portion the Bonds during the period of construction of the Facility, (iii) to fund a debt service reserve fund for all or a portion of the Bonds and (iv) to pay certain fees and expenses incurred in connection with the issuance of the Bonds (all of the foregoing, collectively, the "*Project*");

WHEREAS, the Facility will be initially owned and operated by the Borrower and will be located at 579 Nimmer Turf Road in the Town, which is situate in the County;

WHEREAS, the Borrower has represented to the County that it anticipates the Project will benefit the State, generally, and the County, in particular, through the capital investment resulting from the Project and the creation of new job opportunities (both direct and indirect) for people from within the County and surrounding areas, with a resulting alleviation of unemployment, increase in tax revenues and other public benefits in connection with the Facility not provided locally;

WHEREAS, in further particularity, the Borrower has represented that the Project will result in (a) the creation of direct employment for approximately 20 people at the Facility, which employees will be from within the County and adjacent areas, and (b) the promotion of other public benefits incident to the conduct of such activity not otherwise provided locally. The number of jobs and other public benefit resulting from the assistance authorized herein described bears a reasonable relationship to the principal amount of the Bonds;

WHEREAS, for purposes of complying with the Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 5f.103-2(f) of the Treasury Regulations (collectively, "*Federal Tax Requirements*") and the Act, prior to the issuance of the Bonds by the Authority and after a public hearing held following reasonable public notice, the Bonds must be approved by the applicable elected representatives of a governmental unit having jurisdiction over the area in which the Facility is located;

WHEREAS, the County is a governmental unit having jurisdiction over the area in which the Facility is located. The County Council of the County ("*County Council*") is the applicable elected representative body of the County;

WHEREAS, prior to any deliberations regarding this Resolution, County Council held a public hearing at which all interested persons were given a reasonable opportunity to express their views. The public hearing was duly noticed as required by law;

WHEREAS, prior to any deliberations regarding this Resolution, County Council held a public hearing at which all interested persons were given a reasonable opportunity to express their views. The public hearing was duly noticed by publication in the *Jasper County Sun Times*, a newspaper having general circulation in the County (within which lies the Town), not less than 15 days prior to the date hereof;

NOW, THEREFORE, BE IT RESOLVED by County Council as follows:

Section 1. As required by the Act and based solely on information received by the County from the Borrower, County Council finds that (a) the Project will subserve the purposes of the Act; (b) the Project is anticipated to benefit the general public welfare of the County and surrounding areas by providing services, employment and other public benefits not otherwise provided locally; (c) the Project will give rise to no pecuniary liability of the County or any other incorporated municipality or a charge against its general credit or taxing power and the issuance of the Bonds will not constitute an indebtedness of the State or the County of any kind or within the meaning of any State constitutional provision or statutory limitation; (d) the amount of Bonds required to finance the Project is not exceeding \$12,500,000; and (e) the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) the reserve funds if any, to be established with respect to the retirement of the Bonds and the maintenance

of the Facility (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Facility and carry all proper insurance with respect thereto.

Section 2. The Facility and the Bonds are hereby publicly approved. The Bonds are not an obligation or liability of the County or the Town.

Section 3. The Chairman of County Council, the County Administrator and the Clerk to Council are each hereby authorized and directed to execute such documents as may be necessary or in furtherance of the matters set forth herein.

Section 4. The County notified persons, organizations, local news media and such other news media as have requested official notification of the time, date, place and agenda of meetings of the County Council of the meeting at which this Resolution was considered for approval.

Section 5. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force and effect from and after its adoption.

Adopted at the regular meeting of Jasper County Council on October 1, 2018.

COUNTY OF JASPER, SOUTH CAROLINA

(SEAL)

By: _____

D. T. Johnson, Jr.

Chairman, Jasper County Council

ATTEST:

Judith M. Frank
Clerk to Council

**SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY
SOLID WASTE DISPOSAL REVENUE BONDS
(JASPER PELLETS, LLC PROJECT)
(GREEN BONDS)**

**CERTIFICATE AS TO FREEDOM OF INFORMATION ACT
JASPER COUNTY, SOUTH CAROLINA**

I, the undersigned, Clerk to County Council of Jasper County, South Carolina (“*County*”), do hereby certify:

1. I am the duly qualified and acting Clerk of County Council.
2. Attached hereto as *Exhibit A* is an excerpt of the minutes of the meeting of the County Council October 1, 2018 (“*Meeting*”).
3. The Meeting was duly called and conducted in accordance with the Freedom of Information Act, found at Chapter 4, Title 30, Code of Laws of South Carolina 1976, as amended, and a quorum was present and acting throughout.
4. The agenda for the Meeting, which included the date, time and place of the Meeting, was posted on (i) the bulletin board at the County’s administration building and, (ii) the County’s public website at least 24 hours prior to said meeting.
5. The County notified persons, organizations, local news media and such other news media as have requested official notification of the time, date, place and agenda of meetings of the County Council.
6. The agenda for the Meeting referenced a public hearing and taking desired action as to “Consideration of a Resolution relating the issuance by the South Carolina Jobs-Economic Development Authority of its Solid Waste Disposal Revenue Bonds (Jasper Pellets, LLC Project), in one or more series, taxable or tax-exempt, in the principal amount of not exceeding \$12,500,000.”

[Signature page follows]

IN WITNESS WHEREOF, I have hereunto set my hand effective as of October 1, 2018.

JASPER COUNTY, SOUTH CAROLINA

Judy Frank
Clerk to County Council

(SEAL)

Exhibit A